

**BOARD OF REAL ESTATE APPRAISERS
BOARD MEETING MINUTES
April 1, 2003**

MEMBERS PRESENT

James Murphy
Bruce Bell
Kenneth Charest
Joseph Herlihy
Theodore Webersinn
James Tweedie

MEMBERS ABSENT

Walter Bowditch

OTHERS PRESENT

Carol Leighton, Administrator
Dennis Smith, A.A.G.
Kim Baker-Stetson, Board Clerk
Susan Greenlaw, Board Clerk

Location: Central Conference Room

Start: 9:06 a.m.

Adjourn: 7:10 p.m.

CALL TO ORDER

The meeting was called to order at 9:06 a.m.

AGENDA MODIFICATIONS

OLD BUSINESS

Action on Minutes of February 4, 2003 Meeting

A motion was made by Bruce Bell and seconded by Kenneth Charest to approve the minutes of the February 4, 2003 meeting as written. Bell, Charest, Herlihy, and Murphy voted in the affirmative; Tweedie abstained. Motion carried.

Action on Tabled Applications/Items

See "Review and Action on Applications and Education."

NEW BUSINESS

Adjudicatory Hearing – Donna L. Herring (Complaint #REA-151)

The hearing in the matter of Donna L. Herring opened at 9:10 a.m. Theodore Webersinn recused from participation and left the hearing. Ms. Herring was present and represented by Michael Hodgins. Assistant Attorney General Dennis Smith was present on behalf of the State. The Presiding Officer was James Smith. Public deliberations were conducted at the close of the hearing.

A motion was made by Kenneth Charest and seconded by James Tweedie to find Ms. Herring in violation of 32 MRSA §14014(1)(B). Charest, Murphy and Tweedie voted in the affirmative; Bell opposed. Motion carried.

A motion was made by Bruce Bell and seconded by Kenneth Charest to find Ms. Herring in violation of 32 MRSA §14014(1)(G). Unanimous.

A motion was made by James Tweedie and seconded by Bruce Bell to find Ms. Herring in violation of 32 MRSA §14014(1)(I). Unanimous.

A motion was made by James Tweedie and seconded by Kenneth Charest to find Ms. Herring in violation of 32 MRSA §14014(1)(J). Unanimous.

A motion was made by Kenneth Charest and seconded by James Tweedie to find Ms. Herring in violation of the USPAP Ethics Rule, Competency Provision, Departure Rule and Standards Rules 1-1(a), 1-1(b), 1-1(c), 1-2(e)(i,ii,iv,v), 1-2(f), 1-3(a), 1-3(b), 2-1(a)(b)and(c), 2-2(b)(i)(iii)(iv)(v)(vi)(vii)(viii)(ix)(x)(xi). Unanimous.

A motion was made by James Tweedie and seconded by James Murphy to issue the following Decision & Order: (1) License suspension for a period of 90 days effective April 15, 2003; (2) License to be placed on probation until December 31, 2004; (3) During probation, licensee shall successfully complete the 15 hour USPAP course, the Basic Appraisal course, and the annual 2003 USPAP course and pass all related exams. These courses are not in addition to the required continuing education courses. The 90 day license suspension shall be lifted if licensee satisfies the educational requirements before the 90 days expire; (4) Licensee to pay the costs associated with this hearing by December 31, 2004; and (5) Licensee to forward a list of all appraisals performed after suspension is served. The Board shall randomly select certain appraisals and review for compliance with Board statute and rules. Unanimous.

A motion was made by James Tweedie and seconded by Bruce Bell to authorize the Board's Chair to review and sign the Decision & Order. Unanimous.

Administrator's Report

No report.

Complaint Officer's Report

#REA-162 & 163: The Board received a letter requesting monthly payments of the fines and to request that the Board waive the board-approved highest and best use course if one is not reasonably and locally available. The Board directed Assistant Attorney General Dennis Smith to allow monthly payments of the fine and to draft a letter suggesting that the licensee contact the Appraisal Institute as well as expand their geographic search for the course.

Review and Action on Applications and Education

A motion was made by Bruce Bell and seconded by James Tweedie to authorize Board Chair James Murphy to review applications with staff for ratification at the next meeting. Unanimous.

Correspondence

The Board received letters from Mary E. McLellan and Karen L. Thompson, both employees of Beacon Appraisal Company in Scarborough, Maine, indicating that they were allowed to complete their first 50 appraisals prior to receiving trainee licenses. These individuals were subsequently notified that these appraisals can not be applied toward the 2000 hours of experience required to become a licensed appraiser. Therefore, they have requested the Board's consideration in allowing their first 50 appraisals to be applied towards the 2000 hours of experience. The Board directed Assistant Attorney General Dennis Smith to send Beacon Appraisal Company copies of these letters along with a cover letter regarding this practice.

Next Meeting Scheduled for May 6, 2003

OTHER BUSINESS

Being no further board business the meeting was adjourned at 7:10 p.m.

Respectfully submitted,

Susan Greenlaw
Board Clerk